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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

April 8, 2011

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF#11MD-039

Maui

Issuance of Revocable Permit to Jeanine Thomason (Event Manager) for The Maui Film Festival at Wailea 2011 Event, at Wailea Beach, Maui, Hawaii: Tax Map Key:(2) 2-1-008: seaward of 109.

APPLICANT:

Ms. Jeanine Thomason (Event Manager) whose mailing address is
98666.

Vancouver, WA

LEGAL REFERENCE:

Sections 171-13 and -55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Wailea, Maui identified by Tax Map Key: (2) 2-1-008: seaward of 109, as shown on the attached GIS overview map labeled Exhibit (A) and the sketch of the area provided by the applicant labeled Exhibit (B).

AREA:

1,440 square feet, more or less.

ZONING:

State Land Use District: Conservation

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State constitution: YES ☐ NO ☒

CURRENT USE STATUS:

Vacant and unencumbered.

CHARACTER OF USE:

Film Projection and Viewing

TERM:

This is a Five-day event starting from June 15, 2011 through June 19, 2011. Including set up times, it will run from 4:00 p.m. to 12:00 a.m. nightly.

RENTAL:

Payment of \$720.00 rental fee. (Rental fee based on \$.10 per square foot per day; 1,440 square feet x \$.10 = \$144.00 per day x 5 days = \$720.00).

COLLATERAL SECURITY DEPOSIT:

None

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1)(4) the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 4, that exempts activities, which involve "Minor alteration in the conditions of land, water, or vegetation." Staff consulted the Office of Conservation and Coastal Lands and was advised that they had no objection to the proposed activities due to the temporary and minimally intrusive nature of the activities.

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>x</u>	NO <u> </u>
Registered business name confirmed:	YES <u>x</u>	NO <u> </u>
Applicant in good standing confirmed:	YES <u>x</u>	NO <u> </u>

REMARKS:

Pursuant to the authority delegated by the Board on September 28, 2001 (D-4), right-of-entry permits were issued for these types of beach activities (film projection and viewing) in the past.

After discussion about different types of commercial activities and any associated requirements, staff brings the request to the Board for disposition. The form of disposition should be in form of a revocable permit.

Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the past five years due to non-compliance with such terms and conditions.

No comments were solicited from government or community agencies.

Ms. Jeanine Thomason is requesting a right-of-entry permit for The Maui Film Festival at Wailea, to utilize a portion of Wailea Beach for a five-day film-viewing event. The event will include the setting


up of a large viewing screen and a 15'x 15' projection tent, within an 18' wide x 80' in length (1,440 sq. ft) area for exclusive use on Wailea beach. There will be no seating or placement of chairs within the subject area. The event is scheduled for June 16, 2011, through June 20, 2011. Daily set up will start at approximately 4:00 p.m. and the event will take place from 8:00 p.m. until 12:00 a.m.

There are no other pertinent issues or concerns. Staff has no objections to this request.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a revocable permit to Jeanine Thomason (Event Manager) for the annual Maui Film Festival at Wailea, covering the subject area for film viewing purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - a. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
 - b. Review and approval by the Department of the Attorney General; and
 - c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Larry Pacheco
Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila Jr., Chairperson

Wailea Beach

Maui Film Festival 2011

80' L x 18' W = Total Area of 1,440 sq. ft.

The Grand Wailea Resort

(2) 2-1-008:109

Four Seasons Resort

(2) 2-1-023:007

Exhibit (A)

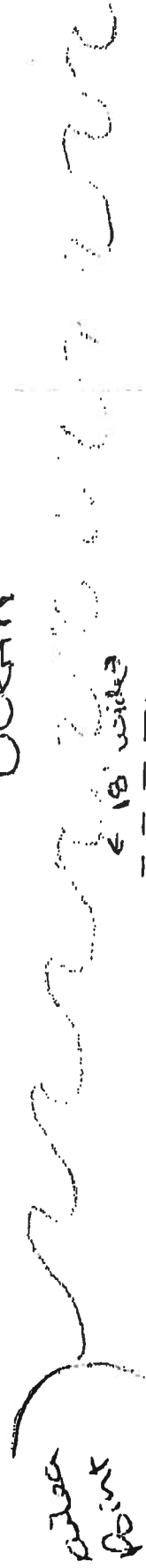


2011 Maui Film Festival

June 15-19th, 2011

Location: Wailea Beach: "Sand Dance Theatre"
(See below area of exclusive use)

Ocean



Sand Dance Theatre
"Area of exclusive use"

80' x 18' - 1440 sq feet

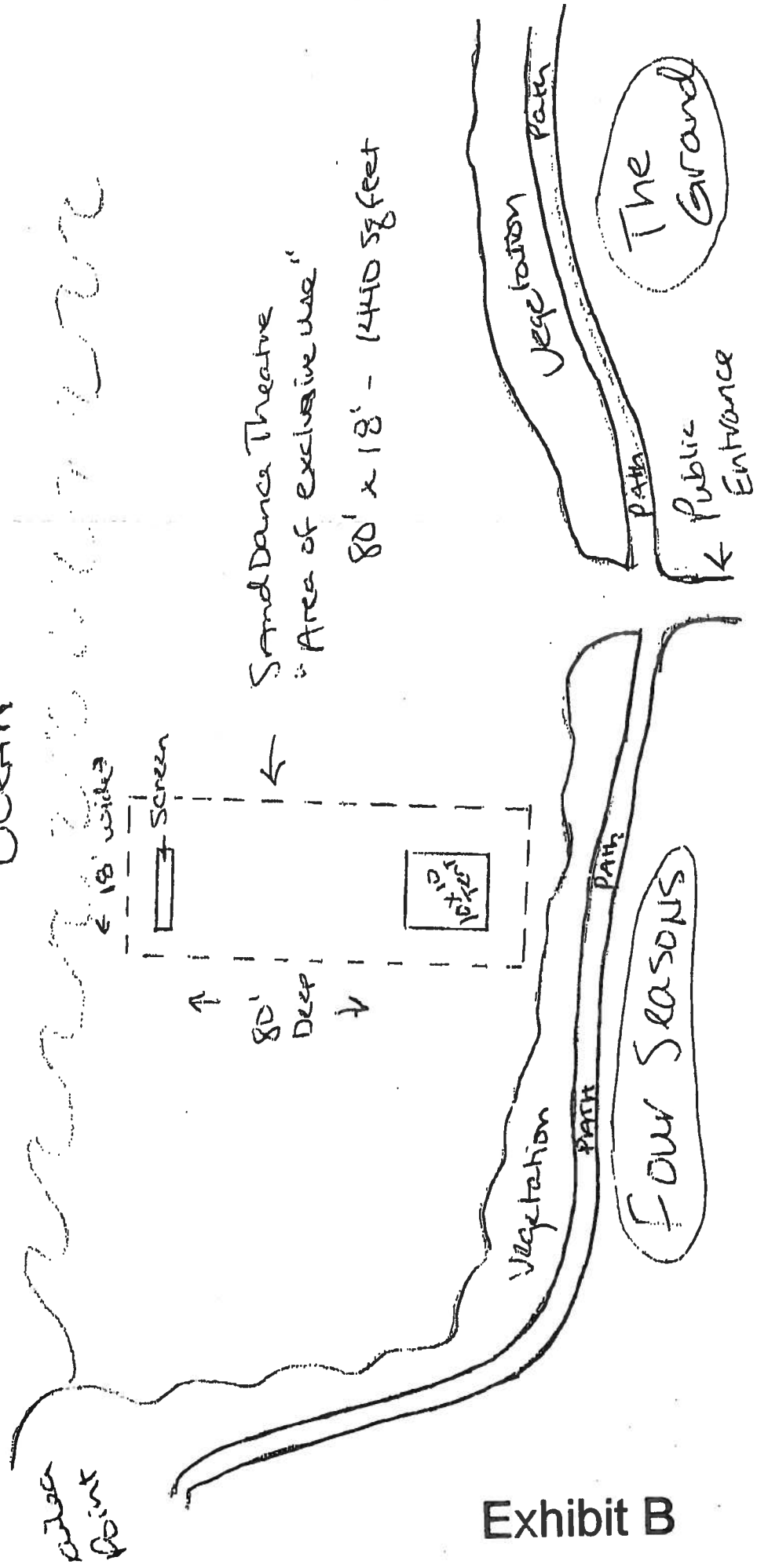


Exhibit B

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

April 8, 2011

EXEMPTION NOTIFICATION

regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title:	Issuance of Revocable Permit to the Maui Film Festival
Project / Reference No.:	11MD-039
Project Location:	Wailea, Maui, TMK: (2) 2-1-008: seaward of 109
Project Description:	Film projection and viewing
Chap. 343 Trigger(s):	Use of state land
Exemption Class No.:	<p>In accordance with Hawaii Administrative Rule Sections 11-200-8(a)(1) & (4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated December 4, 1991, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing" and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation."</p> <p>Revocable permits have been issued for these types of beach activities in the past. Such activities have resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area. As such, staff believes that the proposed event use would involve negligible or no expansion or change in use beyond that previously existing.</p>
Consulted Parties:	Office of Conservation and Coastal Lands

Recommendation:

It is recommended that the Board find that this request will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.



William J. Aila, Jr.
Chairperson

3/22/11

Date